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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,698	10/17/2000	Guy Nathan	871-95	1505

7590 11/29/2002

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1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4000

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,698

Applicant(s)

NATHAN ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on September 13, 2002 in which applicant cancels claims 13 and 14, amends claims 12 and 18, and responds to one of the claim rejections.

Claim Rejections - 35 USC § 103

2. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (U.S. 5,848,398) in view of Johnny Rockets Name That Tune.

Martin et al. discloses a method and apparatus for managing a plurality of computer jukeboxes at different locations from a remote central station. The remote central station maintains a host computer having a master library of songs stored in a bulk storage unit and each "jukebox" maintains a subset song library of the master library of songs. Each jukebox is updated with new songs and menus by simply downloading the data via a transmission link. Furthermore, in one embodiment, the computer jukebox is associated with an electronic game. Martin et al. additionally discloses:

Regarding Claim 12:

- a remote server (central management system (11)) and at least one terminal (jukebox #1..jukebox #N (13)) operable to communicate with the server over a communications network, wherein the terminal (jukebox) includes an audio system (127, 129, and 131) for playing in connection with a game (electronic game) at least a portion of a musical recording (Abstract, Figures 1, 4A, 4B, 5,

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Column 1, line 66-Column 2, line 51, and Column 3, line 15-Column 4, line 40, and Column 9, lines 38-42);

- the terminal is a jukebox system that includes a storage device (93) that stores a library of musical recordings (91) that can be played in full on the terminal for a fee (Figure 5), and further wherein the library of musical recordings can be updated with additional musical recordings through communication with the server, thereby defining a customized library of musical recordings on the jukebox system (Abstract, Figure 1, 4, 5, Column 1, line 66-Column 2, line 51, Column 3, line 15-Column 4, line 40, Column 4, lines 58-63, Column 5, lines 40-57, Column 6, lines 8-18, Column 6, lines 45-52, and Column 7, lines 39-57).

Martin et al. seems to lack explicitly disclosing:

Regarding Claim 12:

- a display that displays information in the form of a question and suggests multiple choice answers to the question, wherein the question relates to the portion of musical recording that has been played, a user interface that enables a user to select an answer from the displayed multiple choice answers, and a scorer for recording the answer selected by the user and determining if the answer corresponds to a correct answer; and
- further wherein the jukebox system is operable to dynamically select the musical recording for the game from the customized library of musical recordings and to dynamically generate the question for the game based on the contents of the customized library of musical recordings stored on the jukebox system.

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Regarding Claim 15:

- the terminal sends information to the server regarding how the user performed during the game.

Johnny Rockets Name That Tune teaches of a Name that Tune game that is played over a network, such as, the Internet. Johnny Rockets Name That Tune and Martin et al. are analogous art because each are computerized game systems that are associated with music played on jukeboxes. Johnny Rockets Name That Tune, however, seems to lack explicitly disclosing playing a song for a fee.

Johnny Rockets Name That Tune teaches:

Regarding Claim 12:

- a display that displays information in the form of a question and suggests multiple choice answers to the question (questions 1-5), wherein the question relates to the portion of musical recording that has been played, a user interface (Web page and player personal computer mouse and keyboard) that enables a user to select an answer from the displayed multiple choice answers, and a scorer for recording the answer selected by the user and determining if the answer corresponds to a correct answer (How Did I Do?); and
- further wherein the jukebox system is operable to dynamically select the musical recording for the game from the customized library of musical recordings and to dynamically generate the question for the game based on the contents of the customized library of musical recordings stored on the jukebox system.

Regarding Claim 15:

- the terminal sends information to the server regarding how the user performed during the game (How Did I Do?).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Johnny Rockets Name That Tune game in Martin et al. One would be motivated to combine Martin et al. with Johnny Rockets Name That Tune because the Johnny Rockets Name That Tune game is entertaining and would provide an additional source of profit for Martin's computer jukebox system.

3. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnny Rockets Name That Tune in view of Tom & Liz's Name That Tune.

The rejection as stated in Office Action, Paper No. 12 is retained and incorporated herein.

Response to Arguments

4. Applicant's arguments filed September 13, 2002 have been fully considered but they are not persuasive in regards to claims 16-18 and are moot in view of the new grounds of rejection for claims 12 and 15.

5. Applicants do not agree with the rejection to claims 12-15 under 35 U.S.C. 102(b) as being anticipated by Johnny Rockets Name That Tune. Applicant alleges the information provided by the examiner in support of the rejection does not indicate that the cited reference constitutes prior art in the instant application. However, the examiner disagrees. Johnny Rockets Name That Tune is clearly prior art in the instant application. Although the examiner retrieved the reference from the Internet on March 7, 2002, the source code indicates that the document was "last modified on Monday, February 8, 1999 09:45 A.M." Therefore, Johnny Rockets Name That Tune constitutes prior art in the instant application. Regarding the newly added limitations to claim 12, please see the rejection provided above.

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6. Regarding claims 16-18, applicants' acquiesce to the rejection applied to the claims under 35 U.S.C. 103(a) as being unpatentable over Johnny Rockets Name That Tune in view of Tom & Liz's Name That Tune by virtue of not addressing the rejection in the amendment.

7. The objection to the drawings are withdrawn upon consideration of applicants' comments.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone

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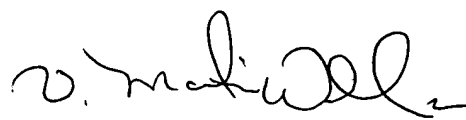
numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SE J

sej

November 25, 2002



VALENCIA MARTIN-WALLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER